

**Mediation Network of North Carolina  
Presentation to  
Judicial Efficiency and Effective Administration of Justice Committee  
January 23, 2014**

District Court Mediation Programs reduce the case load demands on North Carolina courts. The Programs allow DA's to reduce their crowded dockets and use less court resources by **resolving 80% of the cases that are sent to mediation.** Court resources and time are saved in these cases and also costly incarceration and probation supervision. Each of these mediation programs are financially supported by the \$60 dispute settlement fee which only applies to cases resolved in mediation. Mediation centers receive no appropriated state funds.

Currently 63 North Carolina counties have access to mediation services in district court from the 19 community mediation centers across the state. Since July 1, 2013 centers have expanded to cover Lenoir, Wayne and Greene Counties. Discussions are underway to bring mediation into Johnston County courts. The remaining counties which do not currently have mediation in their district courts are very rural and economically challenged. Mediation services will be made available at the discretion of their respective Chief Resident District Court Judges and elected District Attorneys. **During the 1<sup>st</sup> half of this fiscal year centers successfully resolved over 3,200 cases referred from district court, this represents an increase of 26% over the same period last year.**

**Significant Legislation 2012 - Senate Bill 847**

G.S. 7A-38.5 is amended by adding new subsections to read in part:  
Except as provided in this subsection and subsection (f) of this section, each chief district court judge and district attorney shall refer any misdemeanor criminal action in district court that is generated by a citizen-initiated arrest warrant to the local mediation center for resolution, except for (i) any case involving domestic violence; (ii) any case in which the judge or the district attorney determine that mediation would be inappropriate; or (iii) any case being tried in a county in which mediation services are not available.

## **Outstanding District Court Mediation Programs**

**Cumberland County Dispute Settlement** has seen triple digit increases in referred cases each year since the passage of SB 847. Mediators from this center handle approximately 60% of the cases on the docket in their First Appearance Court room. Cases are mediated on the same day as well as evening and weekend sessions.

**Charlotte-Mecklenburg Dispute Settlement Program** with the support of district court Judge Theo Nixon, now operates 3 courtrooms weekly that are set aside for mediation referrals.

**Cabarrus County Mediation Center** district court program resolved over 600 misdemeanor cases last year and during the 1<sup>st</sup> half of this fiscal year is on track to surpass that volume. The program was so successful that the district attorney in Rowan County persuaded the center's board of directors to expand their district court program into neighboring Rowan County.

**Alamance County Dispute Settlement Center** with the support of district attorney Patrick Nadolski has doubled their case referral volume and operates a court room set aside strictly for mediations.

**The Mediation and Restorative Justice Center** located in Boone provides mediation services to district court in 11 western North Carolina counties. At the midway point of this fiscal year the mediators from this program have resolved nearly 500 district court cases.

## **Opportunities and Challenges**

Each of the district court mediation programs would have the capacity to further reduce the case load burdens on the courts with consistent enforcement of the statutory \$60 dispute settlement fee.

Increasing the use of magistrates to refer appropriate warrants to mediation before they reach the docket will further reduce burdens on the court and strengthen community mediation programs.

Case referrals from district dockets to mediation could increase significantly with additional guidance regarding which charges may be referred to mediation as a guide for ADA's.